



07-17-06

Attorney Docket No. 131545.41501
(Formerly 60SD817)

JRW
AF
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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

Application of: _____
Thomas R. Anthony et al. _____
Application No. 10/069,362 : Group Art Unit: 1754
Filed: June 5, 2002 : Stuart Hendrickson
For: HIGH PRESSURE/HIGH TEMPERATURE PRODUCTION OF
COLORED DIAMONDS

DATE OF DEPOSIT: JULY 14, 2006
EXPRESS MAIL NO. EV472054208US

I HEREBY CERTIFY THAT THIS PETITION AND NOTICE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE VIA UNITED STATES POST OFFICE EXPRESS MAIL UNDER 37 C.F.R. § 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: MAIL STOP APPEAL BRIEF-PATENTS, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

Lori A. Butter
(Typed or printed name of person mailing paper or fee)

Lori A. Butter
(Signature of person mailing paper or fee)

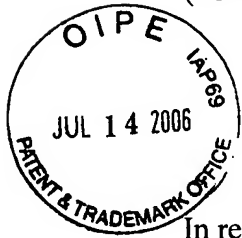
Documents sent:

- Documents Sent:**
- ☒ Petition and Notice in duplicate (2 pages)
 - ☒ Appendix I (Assignment - 25 pages)
 - ☒ Check in the amount of \$400.00 for Petition fee
 - ☒ Certificate of Mailing

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of: :
Thomas R. Anthony et al. : Group Art Unit No.: 1754
Application No.: 10/069,362 : Examiner: Stuart Hendrickson
Filed: June 5, 2002 :
Title: HIGH PRESSURE/HIGH TEMPERATURE PRODUCTION OF
COLORED DIAMONDS

PETITION AND NOTICE

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petition

Appellants hereby petition the Board of Patent Appeals and Interferences to accept notice of a change in the real party in interest in the present application. A change in the real party in interest took place on March 21, 2006. Appellants believe that notice has not yet been provided to the Board pursuant to 37 CFR § 41.8 regarding this change. Appellants respectfully submit that the failure to provide notice is due to the fact that Appellants' docketing system does not contain a rule corresponding to this requirement. This late filing does not result in an application becoming abandoned, and Appellants respectfully submit that consideration on the merits is in the interests of justice. Appellants respectfully request, therefore, that the late filing should be excused under 37 C.F.R. § 41.4(b)(2).

Notice

Appellants hereby provide notice to the Board of Patent Appeals and Interferences of a change in the real party in interest in the present application.

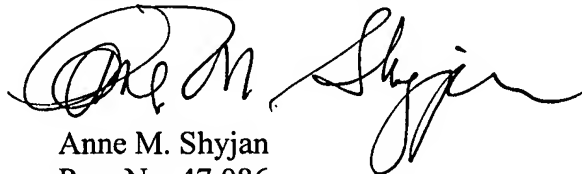
Appellants filed an Appeal Brief in the present application on May 10, 2004 which indicated the real party in interest to be Diamond Innovations, Inc. On March 21, 2006, Diamond Innovations, Inc. assigned all of its right, title and interest in the present application to Bellataire International LLC, as evidenced by the attached copy of assignment provided at Appendix I (submitted to the United States Patent and Trademark Office and recorded at reel/frame 017379/0095). Diamond Innovations, Inc. and Lazare Kaplan International collectively own 100% of Bellataire International LLC.

Fees

The fee for filing the enclosed Petition (37 CFR 41.20(a)) is \$400.00. A check in the amount of \$400.00 is enclosed. The Commissioner is authorized to charge any deficiency in any patent application processing fees pursuant to 37 CFR § 41.20, associated with this communication and to credit any excess payment to Deposit Account No. 50-0436. A duplicate copy of this Petition and Notice is attached.

Respectfully submitted,

PEPPER HAMILTON LLP



Anne M. Shyjan
Reg. No. 47,086

Pepper Hamilton LLP
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500 Grant Street
Pittsburgh, PA 15219-2505
Phone: 412-454-5000
Facsimile: 412-281-0717
July 14, 2006

APPENDIX I

ASSIGNMENT

WHEREAS, DIAMOND INNOVATIONS, INC., having an address of 6325 Huntley Road, P.O. Box 568, Worthington, Ohio 43085 (hereinafter, the "Assignor"), is the Assignee of the patents and patent applications listed on Attachment A (hereinafter collectively, the "Inventions").

WHEREAS, BELLATAIRE INTERNATIONAL LLC, having an address of 6325 Huntley Road, Worthington, Ohio 43229 (hereinafter referred to as "Assignee"), is desirous of acquiring the entire right, title and interest in and to said Inventions and in and to any and all Letters Patent of the United States and foreign countries that may be obtained therefor for said Inventions;

NOW, THEREFORE, for good and valuable consideration, the receipt for and sufficiency of which is hereby acknowledged, Assignor does hereby sell, assign, transfer and set over unto Assignee, its legal representatives, successors, and assigns, the entire right, title and interest in and to said Inventions as set forth in the above-mentioned patents and applications, including any patents and applications which claim priority to the above referenced patents and applications, any applications to which the above referenced applications claim priority, and any continuations, continuations-in-part, divisions, reissues, re-examinations or extensions thereof, and in and to any and all patents of the United States and foreign countries which may be issued for said Inventions;

UPON SAID CONSIDERATION, Assignor shall not execute any writing or do any act whatsoever conflicting with the terms and conditions of this Agreement, and that Assignor will, at any time upon request, without further or additional consideration, but at the expense of said Assignee, execute such additional assignments and other writings and do such additional acts as said Assignee may deem necessary or desirable to perfect the Assignee's enjoyment of this grant, and render all necessary assistance in making application for or obtaining original, divisional, continuations, continuations-in-part, reexamined, reissued, or extended Letters Patent of the United States or of any and all foreign countries on said Inventions, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any and all proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind and inure to the benefit of the assigns and legal representatives of Assignor and Assignee;

The undersigned hereby grant(s) the firm of PEPPER HAMILTON LLP the power to insert on this Assignment any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

AND we request that any patents that may be issued for said Inventions be issued to said Assignee, its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in and to said patents and the inventions covered thereby.

DIAMOND INNOVATIONS, INC.

Date: 3/21, 2006

By: Tanya D. Fratto
Name: Tanya D. Fratto
Title: President and CEO

STATE OF Ohio)
) SS:
COUNTY OF Franklin)

On this 21st day of March, 2006, before me personally appeared TANYA D. FRATTO, known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.

SEAL

M. Diane Anderson
Notary Public

My commission expires 12/21/2008

M. DIANE ANDERSON
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES DEC. 21, 2008

BELLATAIRE INTERNATIONAL LLC

Date: 3/21, 2006

By: [Signature]
Name: David Bennett
Title: President & Chief Executive Officer

STATE OF Ohio)

) SS:

COUNTY OF Franklin)

On this 21st day of March, 2006, before me personally appeared DAVID BENNETT, known to be the person named in and who executed the above instrument, and acknowledged to me that he executed the same for the uses and purposes therein set forth.

SEAL

[Signature]
Notary Public

My commission expires 12/21/2008

M. DIANE ANDERSON
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES DEC. 21, 2008

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
10/338,136	6,692,714	High Pressure/High Temperature Production of Colorless and Fancy Colored Diamonds	US	01-08-2003	128346- 41431
10/737,541		High Pressure/High Temperature Production of Colorless and Fancy Colored Diamonds	US	12-15-2003	128346- 41441
11/151,393		High Pressure/High Temperature Production of Colorless and Fancy Colored Diamonds	US	06-13-2005	128346- 41451
10/069,362		High Pressure/High Temperature Production of Colored Diamonds	US	06-05-2002	128346- 41501
10/344,249		High Pressure/High Temperature Production of Diamonds	US	02-11-2003	128346- 41601
09/430,477	6,377,340	Method of Detection of Natural Diamonds that have been Processed at High Pressure and High Temperatures	US	10-29-1999	128346- 42601

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
00967263.5		Method of Detection of Natural Diamonds that have been Processed at High Pressure and High Temperatures	EP	10-02-2000	128346- 42603
00957768.5		High Pressure/High Temperature Production of Colored Diamonds	EP	08-25-2000	128346- 41503
05025530.6		High Pressure/High Temperature Production of Diamonds	EP	11-23-2005	128346- 41633
01959593.3		High Pressure/High Temperature Production of Diamonds	EP	08-08-2001	128346- 41603
05024773.3		High Pressure/High Temperature Production of Colored Diamonds	EP	08-25-2000	128346- 41523

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
2001281132		High Pressure/High Temperature Production of Diamonds	AU	08-08-2001	128346- 41612

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
00957768.5		High Pressure/High Temperature Production of Colored Diamonds	BE	08-25-2000	128346- 41504

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
2002-0239		High Pressure/High Temperature Production of Colored Diamonds	BY	08-25-2000	128346- 41512

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
2382785		High Pressure/High Temperature Production of Colored Diamonds	CA	08-25-2000	128346- 41505

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
00814622.5	00814622.5	High Pressure/High Temperature Production of Colored Diamonds	CN	08-25-2000	128346- 41513
01817218.0		High Pressure/High Temperature Production of Diamonds	CN	08-08-2001	128346- 41613
2005101188 51.7		High Pressure/High Temperature Production of Diamonds	CN	10-26-2005	128346- 41623

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
00957768.5		High Pressure/High Temperature Production of Colored Diamonds	CH	08-25-2000	128346- 41519

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
00957768.5		High Pressure/High Temperature Production of Colored Diamonds	DE	08-25-2000	128346- 41506

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
00957768.5		High Pressure/High Temperature Production of Colored Diamonds	FR	08-25-2000	128346- 41507

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
00957768.5		High Pressure/High Temperature Production of Colored Diamonds	GB	08-25-2000	128346- 41509

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
04105391.0		High Pressure/High Temperature Production of Diamonds	HK	08-08-2001	128346- 41617

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
00957768.5		High Pressure/High Temperature Production of Colored Diamonds	IE	08-25-2000	128346- 41517

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
148287		High Pressure/High Temperature Production of Colored Diamonds	IL	08-25-2000	128346- 41514
154390		High Pressure/High Temperature Production of Diamonds	IL	08-08-2001	128346- 41615

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
230/DEL/20 03		High Pressure/High Temperature Production of Diamonds	IN	08-08-2001	128346- 41614

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Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
00957768.5		High Pressure/High Temperature Production of Colored Diamonds	IT	08-25-2000	128346- 41518

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Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
2002- 519090		High Pressure/High Temperature Production of Diamonds	JP	08-08-2001	128346- 41604

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Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
2003- 7002025		High Pressure/High Temperature Production of Diamonds	KR	08-08-2001	128346- 41607

Attachment A
Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
2002107310 /15	2252066	High Pressure/High Temperature Production of Colored Diamonds	RU	08-25-2000	128346- 41515
2005101335		High Pressure/High Temperature Production of Colored Diamonds	RU	01-20-2005	128346- 41525
2003106575		High Pressure/High Temperature Production of Diamonds	RU	08-08-2001	128346- 41616

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Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
89121571	188911	Method of Detection of Natural Diamonds that have been Processed at High Pressure and High Temperatures	TW	10-16-2000	128346- 42613

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Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
2002032167		High Pressure/High Temperature Production of Colored Diamonds	UA	08-25-2000	128346- 41516

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Patents and Patent Applications to Assign

Application Serial No.	Patent No.	Title	Country	Filing Date	Company Docket Number
2002/1304	2002/1304	High Pressure/High Temperature Production of Colored Diamonds	ZA	08-25-2000	128346- 41508
2003/1469	2003/1469	High Pressure/High Temperature Production of Diamonds	ZA	08-08-2001	128346- 41608